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Supreme Court, U.S.
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No. 03-975

In The

Supreme Court of the United States

In re J. Patrick Lyons

Petitioner,

v.

Hon. Robert W. Ney, United States House of Representative; **Hon. John B. Larson**, United States House of Representative; **Hon. Bart J. Gordon**, United States House of Representative; and, **Matthew S. Peterson**, Attorney, United States House of Representatives, Committee on House Administration,

Respondents.

Supplemental Brief in Support of Petition for Extraordinary Writ of Mandamus

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INTRODUCTION

1. **Supreme Court Rule 15 – 8**: Pursuant to Supreme Court Rule 15 – 8, Petitioner submits this supplemental brief to call to the attention of the Court to a possible nexus of International ramifications that more likely than not could emerge from the fact that respondent Gordon, and approximately 97 percent of Members of the 108th Congress of the United States are currently members serving under the disqualification clauses contained in Article VI, Clause 3; Article I, Section 6, clause 2; Amendment XIV, Section 3; and, Amendment XX, Section 1 to the Constitution of the United States. **See Reason for Granting the Extraordinary Writ below.**

2. **Supreme Court Rule 15 – 2**: Supreme Court Rule 15 – 2, directs among others: **"Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition."** And, "Any objection to consideration of a question presented based on what occurred in the proceeding below, if the objection does not go to jurisdiction, **may be deemed waved unless called to the Court's attention in the brief in opposition."** Respondents **WAVER** filed under the signature of **Geraldine R. Gennet** – Office of the General Counsel, U. S. House of Representatives, dated February 6, 2004, [received by the Petitioner on February 9, 2004], acknowledged that no misstatement of fact or law are contained in Petitioner's petition that bears on what issues properly would be before the Court if extraordinary

writ of mandamus is granted – Nor, no objection to consideration of questions presented are disputed. Therefore, Petition for the Extraordinary Writ of Mandamus should be heard based on the fact **Respondents** presented no argument(s) nor objected to the contents present to the Court for review.

3. **Unauthorized representation**: The Office of General Counsel, U.S. House of Representatives, is not vested with legal authority to represent Respondent **Bart J. Gordon**, before this Supreme Court of the United State regarding issues involved in said contested election. Respondent **Gordon**, and both Petitioner **Lyons** had their name placed on said ballot as private citizens. The Government of the United States is paying for Respondent **Gordon's** representation.

REASONS FOR GRANTING THE EXTRAORDINARY WRIT OF MANDAMUS

1. On March 3, 1821, Supreme Court of the United States Chief Justice **MARSHALL**, delivered the opinion of the Court in Cohens v. Virginia, 6 Wheat, 264 (5 L. ED 257), stated among others: **"It is true, that if all the States, or a MAJORITY OF THEM, REFUSE TO ELECT Senators and Representatives to Congress, that the legislative powers of the Union will be suspended."**

2. **The "Supreme Law of the Land"**: We, Americans have been taught to believe that the Constitution of the United States is the **"Supreme Law of the Land".** "It cannot be presumed that any clause in the Constitution is intended to be without effect; and, therefore, such a constriction is inadmissible, unless the words require it." Marbury

v. Madison, 5 U. S. (1 Cranch), 137, 2 L. ED 60, 1803.

3. **Government of laws, not of men**: February 24, 1803, Supreme Court of the United Stated Chief Justice Marshall in Marbury v. Madison, 5 U. S. (1 Cranch), 137, 2 L. ED 60, 1803, delivered the OPIONION of the Court stated in part: "The government of the United States has been emphatically termed a government of laws, **and not of men.**"

a. Technically then, if in fact the **Constitution** of the United States is in fact **"The Supreme Law of the Land"**, and America is emphatically termed a government of laws, **and not of men**, then consider the **fact** that the majority of the States of the Union have elected individuals to Congress that are prohibited by Article VI, Clause 3; Article I, Section 6, Clause 2; Amendment XIV, Section 3; and Amendment XX, Section 1 to the Constitution to be a Member of Members of Congress, **one could correctly argue** that each such State would have refused to elect a Member or Members to the Congress of the United States – that being the case, the Federal Legislative Branch **powers** are suspended based on the Supreme Court of the United States DECISION referenced in Paragraph 1 above.

4. **Possible International ramifications**: A foreign nation, or nations, could argue before the International Court of Justice that under America's own Constitution and applicable Supreme Court of the United States Court ruling – that America's Legislative Powers have been suspended. Thus, argue that any sanctions made against it's nation or war waged against it's nation would have been made by a government (America) whose Legislative Powers has been suspended – using as a reason or words to

the effect that if America does not have Legislative Branch powers, all legislation enacted by a legislative branch with its power suspended – all such legislation is null and void.

5. **National ramifications**: National problems currently exists in America in that all of the Public Laws passed by any prior ineligible Congress of the United States – assuming that the Constitution of the United States is in fact the "Supreme Law of the Land" – it could be argued that all such Public Laws or resolutions are null and void whether it be **"Three Strikes and You Are Out"; any Federal Resolution authorizing America to wage war against other nations; to the Federal mandatory Sentencing Act.** "Congress cannot punish felonies generally and cannot punish misprision of felony." Cohens v. Virginia, 6 Wheat, 264 (5 L. ED 257), 1821.

b. **Jurisdiction**: "Under Article 3, Section 2 of the Federal Constitution giving Federal courts jurisdiction in cases arising under the Constitution, and laws of the United States, and Treaties made under their authority, **the Federal courts have jurisdiction of all cases described without any regard to condition or character of the parties.**" "The Supreme Court will not take jurisdiction if it should not, **but must take jurisdiction if it should**, having no right to decline exercise of jurisdiction which is given to it." Cohens v. Virginia, 6 Wheat, 264 (5 L. ED 257), 1821.

CONCLUSION

The Court should grant this petition for an extraordinary writ of mandamus and directly address the disqualification clauses contained under Article

VI, Clause 3; Article I, Section 6, Clause 2; Amendment XIV, Section 3; and Amendment XX, Section 1 to the Constitution of the Untied States – Tennessee Code Annotated 8-18-101; and 18 U.S.C. Section 2383, applicable to Respondent - 107th Incumbent U. S. House of Representative Member Bart J. Gordon.

Respectfully submitted,

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